

growing said plant under conditions whereby said DNA sequence of interest is expressed and a plant having said seed with a modified phenotype is obtained.

54. (New) A method of altering the phenotype of plant seed tissue as distinct from other plant tissue, said method comprising:

growing a plant, wherein said plant comprises cells containing a DNA construct integrated into their genome, said DNA construct comprising, in the 5' to 3' direction of transcription, a transcriptional initiation region from a gene encoding a seed storage protein, wherein transcription of said gene is preferentially regulated in a plant seed tissue, a DNA sequence of interest other than the coding sequence native to said transcriptional initiation region, and a transcriptional termination region, whereby transcription of said DNA sequence of interest is controlled by said transcriptional initiation region and plant seed tissue having an altered phenotype is obtained.

#### REMARKS

Amendments to page 1 of the specification were made to correct the priority claim for the present application and to reflect that application serial no. 08/812,665 has issued as USPN 5,981,839; application serial no. 08/484,941 has issued as USPN 5,750,385 and application serial no. 08/105,852 has issued as USPN 5,753,475, and to correctly recite application serial no. 07/267,685. The filing receipt to application serial no. 07/267,685 is attached.

Minor amendments were made to pages 18, 21, 28, 30, 31, 32, 38, 58, 59, 65, 67, 74 and 75 of the specification to correct typographical errors.

Applicants have amended Claims 17, 18, 20, 23, 24, 28, 33, 34, 38, 39 and 41, and added new claims 42-54.

Claims 17, 18 and 28 have been amended to recite a plant "which produces at least one seed", and a gene which is "preferentially" regulated in plant seed tissue. Support is found on page 9, lines 1-11, page 15, lines 14-18 and on page 51, lines 12-15.

Claims 20, 33, 38 and 41 were amended to recite "tomato plant". Support is found on page 22, line 24.

Claim 23 was amended to be an independent claim incorporating the language of Claim 17.

Claim 24 was amended to depend from both Claims 23 and 52.

Claim 34 was amended for clarity.

Claim 39 was amended to correct a typographical error.

Support for new Claim 42 is found on page 17, lines 1-20.

Support for new Claims 43, 44 and 46 is found in original Claim 27.

Support for new Claim 45 is found in original Claims 18 and 34.

Support for new Claim 47 is found in original Claims 17, 18 and 39.

Support for new Claim 48 is found on page 62, line 30 through page 63, line 2.

Support for new Claim 49 is found on page 13, lines 14-18.

Support for new Claims 50-51 is found on page 14, lines 23-24 and page 15, lines 14-16.

New Claim 52 is originally submitted Claim 23 made independent and incorporating the language of Claim 18. Support is also found on page 9, lines 1-11, page 15, lines 14-18 and on page 51, lines 12-15.

Support for new Claims 53 and 54 is found on page 6, lines 15-16.

Applicants believe that no new matter has been added by any of these amendments and therefore respectfully request the Examiner to enter them.

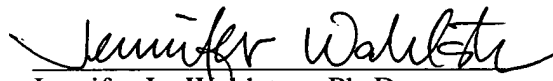
Knauf and Kridl  
Attorney Docket No. CGNE.099.04US

CONCLUSION

If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned at (650) 328-4400.

Respectfully submitted,

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